No. L.S. 32—L.W. 173-51-7, dated Bangalore, 4th April 1952.

In exercise of the powers conferred by sub-section (2) of Section 26 of the Payment of Wages Act, 1936 (Central Act No. IV of 1936) and in supersession of the Mysore Payment of Wages Rules, 1948, His Highness the Maharaja of Mysore is pleased to make the following Rules, the same having been previously published in the *Mysore Gazette*, dated 1st November 1951 as required by sub-section (5) of said section.

Title. 1. These rules may be called the "Mysore Payment of Wages Rules, 1952".

Definition. 2. In these rules, unless there is anything repugnant in the subject or context :—

(*a*) "the Act" means the Payment of Wages Act, 1936 (Central Act IV of 1936);

(*b*) "the Authority" means the authority appointed under sub-section (1) of Section 15 of the Act;

(*c*) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of Section 10 of the Factories Act, 1948 (Central Act LXIII of 1948);

(*d*) "the Court" means the court mentioned in sub-section (1) of Section 17 of the Act;

(*e*) "deduction for breach of contract" means a deduction made in accordance with the provision of the proviso to sub-section (2) of Section 9;

(*f*) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (*c*) of sub-section (2) of Section 7;

(*g*) "Employer" includes the persons responsible for the payment of wages under Section 3 of the Act;

(*h*) "Form" means a form appended to these rules;

(*i*) "Inspector" means the Inspector authorised or under Section 14 of the Act;

(*j*) "person employed" does not include any person the payment of whose wages the Act does not apply;

(*k*) "section" means a section of the Act;

(*l*) words and expressions used in these Rules but defined, shall be deemed to have the same meaning the Act.

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Register of fines.

3. (1) In any factory in respect of which the employer has obtained approval under sub-section (1) of Section 8 to a list of acts and omissions in respect of which fines may be imposed, the employer shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines, there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended.

(3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

Register of deductions for damage or loss.

4. In every Factory or Industrial Establishment in which deductions for damage or loss are made the employer shall maintain the Register required by sub-section (2) of Section 10 in Form II.

Register of Wages.

5. A Register of Wages shall be maintained in every Factory or Industrial Establishment and may be kept in such form as the employer finds convenient but shall include the following particulars :—

(*a*) the gross wages earned by each person employed for each wage period ;

(*b*) all deductions made from those wages, with an indication in each case of the clause of sub-section (2) of Section 7 under which the deduction is made ;

(*c*) the wages actually paid to each person employed for each wage period and the date of payment ;

Maintenance of registers.

6. The registers required by rules 3, 4, 5 and 18 shall be preserved by the employer for twelve months after the date of the last entry made in them.

If maintained in any language other than Kannada, a true translation thereof in English shall be maintained.

If the employer has maintained the forms in this behalf as prescribed under the Minimum Wages Rules, no other forms need be maintained.

7. All weights or measures or weighing or measuring instruments which are used in checking or ascertaining the wages of persons employed in any factory shall be examined in accordance with the provisions of the Mysore Weights and Measures Act, 1902. If an Inspector considers that any action should be taken under the said Act, or the rules made thereunder, he may seize the article in question and shall report the matter with his opinion to the Inspector of Weights and Measures having jurisdiction under the said Act, for necessary action. Weights, Measures and Weighing Machines.

8. The employer shall display, in a conspicuous place at or near the main entrance of the factory or Industrial Establishment a notice in English and in the language of the majority of the persons employed therein showing the days on which wages are to be paid. Notice of dates of payment.

9. The Chief Inspector of Factories shall be the authority competent to approve under sub-section (1) of Section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of Section 8, the purposes to which the proceeds of fines shall be expended. Prescribed authority.

10. Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the authority appointed under rule 9 :— Application in respect of fines.

(*a*) a list, in English, in duplicate, clearly defining such acts and omissions;

(*b*) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing by virtue of office, such of his subordinates as may pass orders imposing fines and the class of establishment on which any such subordinate may impose fine.

11. The authority appointed under Rule 9 on receipt of the lists prescibed in the sub-rule (a) of Rule 10 may, after such enquiry as he considers necessary, pass orders either :— Approval of lists.

(*a*) disapproving the list,

(*b*) approving the list either in their original form or as amended by him, in which case such list shall be considered to be approved list :

Provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

Posting of list.

12. The employer shall display at or near the main entrance of the factory or Industrial Establishment a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 11.

Persons authorised to impose fines.

13. No fine may be imposed by any person other than an employer, or a person holding an appointment named in the list referred to in clause (b) of Rule 10.

Procedure of imposing fines and deductions.

14. Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

Information to employer.

15. The person imposing a fine or directing the making of a deduction for damage or loss shall (unless such person is an employer) at once inform the employer of all particulars necessary for the completion of the register prescribed in Rule 3 or Rule 4, as the case may be.

Deductions for absence from duty.

16. For purposes of deductions for absence from duty the hours of work in respect of Plantation Estates, shall be the same as those specified in the notice of periods of work prescribed under Section 23 of the Plantations Act, 1951, for field works and under Section 61 of the Factories Act, 1948, for Factory Workers.

Deductions for breach of contract.

17. (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years.

(2) No deduction for breach of contract shall be made from wages of any employed person unless—

(*a*) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment; and

(i) the period of this notice does not exceed fifteen days or the wage-period, whichever is less; and

(ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(*b*) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory or, Industrial Establishment and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;

(*c*) a notice has been displayed at or near the main entrance of the factory or Industrial Establishment giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory it shall be sufficient in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (*c*) of sub-rule 2, no such deduction shall be made from any person who has complied with the conditions.

Advances.

18. (1) An advance of wages not already earned shall not, without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding four calendar months, or if he has not been employed for that period, the wages he is likely to earn during the four subsequent calendar months.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than eighteen months. No instalments shall exceed one-third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the re-payments thereof shall be entered in a register in Form III.

(4) The rate of interest charged for advances under sub-rule (1) shall not exceed six and one-fourth per cent per annum.

Annual Return.

19. The employer shall send a return in Form IV in respect of every factory or Industrial Establishment so as to reach the authority appointed under rule 9 not later than the 15th of May following the end of the calendar year to which it relates.

Display of rates of wages.

20. In every cotton spinning and weaving factory and in every artificial silk factory, a notice shall be displayed by the employer in each department of the factory, specifying the rates of wages payable to all persons employed in such factory other than those who are employed in positions of supervision or management or those who are employed in a confidential position.

Costs.

21. (1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event; it shall state his/its reasons for so doing in writing.

(2) The costs which may be awarded shall include—

(*a*) the charges necessarily incurred on account of court-fees;

(*b*) the charges necessarily incurred on subsistence money to witnesses; and

(*c*) Pleader's fees which shall ordinarily be Ten Rupees, provided that the Authority or the court, as the case may be, in any proceedings, may reduce the fee to a sum not less than Five Rupees or increase it to a sum not exceeding Thirty-Rupees.

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

Fees.

22. The Authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the Authority or Court, as the case may be:

Provided that the Authority or the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of cost.

23. The fee payable in respect of proceedings under the Act shall be—

(i) For every application to summon a witness.	Four annas in respect of each witness.
(ii) For every other application made by or on behalf of an individual person before the Authority.	Eight annas.
(iii) For every other application made by or on behalf of an unpaid group before the Authority.	Four annas for each member of the group, subject to a maximum of five rupees.
(iv) For every appeal lodged with the Court.	Five rupees.

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit the fee :

Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

24. The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V. Abstracts.

25. Any breach of rules 3, 4, 5, 6, 8, 12, 15, 19 and 20 of these rules shall be punishable with fine which may extend to two hundred rupees. Penalties.

FORM I.

REGISTER OF FINES.

Name of Factory :—

Name of operative fined	Father's name or Ticket number	Department	Act or omission for which fine was imposed	Amount of fine	Designation of officer imposing fine	Date on which fine was imposed	Whether workman showed cause or not. If so, enter date	Wages payable*		Total amount of fines	Date or dates on which fines or total fines were recovered	Remarks
								Amount	Wage period†			
1	2	3	4	5	6	7	8	9	10	11	12	13

*By "Wages payable" is meant the gross wages earned by a workman for time workers, the wages due for the pay period less deductions for absence from duty : for piece workers the wages due on production—in both the cases without deductions for fines or for services rendered by the employer.

†Here enter month if payment is made by the English calendar month. In the case of other pay periods, enter "week" or "fortnight" as the case may be, giving the dates covered by the pay period.

FORM II.

Register of Deductions for Damage or Loss caused to employers through the neglect or default of employed persons in respect of goods expressly entrusted to them for custody.

Name of Factory.—

Serial No.	Name	Father's name or Ticket number	Department	Damages or loss caused	Amount of deduction imposed	Designation of officer imposing deduction	Date when deduction imposed	Whether worker showed cause against deduction or not	Number of instalments, if any, in which deduction is proposed to be recovered	Date on which total amount of deduction imposed was realized	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

FORM III.

Register of advances made to employed persons.

Name of Factory..... .....

Sl. No.	Name	Father's name or Ticket number	Department	Date and amount of advance made	Purpose(s) for which advance made	No. of instalments by which advance to be repaid	Postponements granted	Date on which total amount repaid	Remarks
1	2	3	4	5	6	7	8	9	10

FORM IV.

Deduction from Wages.

Return for the year ending 31st December 195 .

1. (*a*) Name of the Factory or Industrial Establishment
(*b*) Postal address do do
*(*c*) Class of Factory

†2. Average number of workers employed daily :—

‡on day-shift	.....	(Men).
	.....	(Women).
on night-shift ...	.....	(Men).
Total ...		

†3. Actual number of days worked during the year :—

‡on day-shift.
‡on night-shift.

4. Total wages paid including deductions under clauses (*d*) to (*j*) of sub-section (2) of Section 7 of the Payment of Wages Act, 1936, but not other deductions :—

	Rs. a. p.
(Men) ...	...
(Women) ...	...
Total	...

5. Number of cases and amount realized as—

No. of Cases	Amount
	Rs. a. p.
(*a*) Fines	
(*b*) Deductions for damage or loss ...	
(*c*) Deductions for breach of contract ...	

6. Disbursement from fine fund :—

Amount	Purpose
Rs. a. p.	

Signature.....

Dated.....195 . *Designation*.....

* *e.g.*—Cotton Mill, Iron Foundry, Flour Mill, etc.
† Information should only be given for those workers whose wages payable are less than Rs. 200 per month.
‡ If any factory runs more than two shifts, the information should be given separately for each shift, *e.g.*, first shift, second shift and third shift.

FORM V.

Abstract of the Payment of Wages Act, 1936, and the Rules made thereunder.

Whom the Act affects.

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs. 200 a month.

2. No employed person can give up by contract or agreement his rights under the Act.

Definition of Wages.

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of proper notice of discharge.

It excludes—

(*a*) the value of house accommodation, supply of light, water, medical-attendance, or other amenity or of any service excluded by the State Government;

(*b*) the employer's contribution to a person or provident fund;

(*c*) travelling allowance or concession or other special expenses entailed by the employment;

(*d*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment;

(*e*) any gratuity payable on discharge.

Responsibility for and method of Payment.

4. The Manager of the factory or Industrial Establishment if responsible for the payment under the Act of wages to persons employed in the factory, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within seven days of the end of the wage-period (or within ten days if one thousand or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day from the day on which his employment is terminated.

7. Payments in kind are prohibited.

Fines and Deductions.

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9—15 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector of Factories, specify by a notice displayed at or near the main entrance of the Factory or Industrial Establishment and after giving the employed person an opportunity for explanation.

(2) Fines—

(*a*) shall not exceed half an anna in the rupee;

(*b*) shall not be recovered by instalments, or later than sixty days of the date of imposition;

(*c*) shall be recorded in a register and applied to such purposes beneficial to the employed persons as approved by the Chief Inspector of Factories;

(*d*) shall not be imposed on a child.

10. (*a*) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

(*b*) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but—

(1) no deduction for breaking a contract can be made from a person under fifteen years of age or a woman;

(2) there must be a provision in writing, forms part of the contract of employment requiring that a specific period of notice of intention to cease work not exceeding fifteen days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice;

(3) the above provision must be displayed at or near the main entrance of the factory;

(4) no deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory;

(5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the State Government.

13. (*a*) Deductions can be made for the recovery of advances, or for adjustment of over payment of wages.

(*b*) Advances made before the employment began can only be recovered from the first payment of wages or a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.

(*c*) Advances of unearned wages can be made at the employer's discretion during employment.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the State Government or to the Insurance of the Mysore Government Insurance Department subject to any conditions imposed by the State Government.

INSPECTIONS.

16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking evidence) as he may deem necessary for carrying out the purposes of the Act.

COMPLAINTS OF DEDUCTIONS OR DELAYS.

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the State Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose wages has been delayed.

ACTION BY THE AUTHORITY.

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

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APPEAL AGAINST THE AUTHORITY.

19. An appeal against a direction made by the Authority may be preferred, within 30 days to the District Court—

(*a*) by the employer if the total amount directed to be paid exceeds Rs. 300;

(*b*) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs. 50;

(*c*) by a person directed to pay a penalty for a malicious or vexatious application.

PUNISHMENTS FOR BREACHES OF THE ACT.

20. Any one delaying the payment of wages beyond the due date or making any unauthorised deduction from wages is liable to a fine up to Rs. 500 but only if prosecuted with the sanction of the Authority or the Appellate Court.

21. The employer, who—

(i) does not fix a wage-period, or

(ii) makes payment in kind, or

(iii) fails to display at or near the main entrance of the factory of this abstract in English and in the language of the majority of the employed persons, or

(iv) contravenes certain rules made under the Act,

is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector, or with his sanction.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.